

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN WORTHINGTON,

Plaintiff,

v.

No.C10-00118 JLR

PLAINTIFF'S COMPLAINT FOR  
TORT DAMAGES, DECLARATORY,  
AND INJUNCTIVE RELIEF

WASHINGTON STATE ATTORNEY  
GENERALS OFFICE et al, CHRISTINE  
GREGOIRE, ROB MCKENNA both  
individual and official capacity of the  
WASHINGTON STATE ATTORNEY  
GENERALS OFFICE, CITY OF BONNEY  
LAKE et al, a municipal corporation;  
MICHAEL MITCHELL, Bonney Lake Chief  
of Police, in his individual and official  
capacity, Bonney Lake Police Officers, in their  
individual and official capacities; CITY OF  
BREMERTON et al, a municipal corporation,  
CRAIG ROGERS, Bremerton Chief of Police,  
in his individual and official capacity; ROY  
ALLOWAY, Bremerton Police Officer, in his  
individual and official capacity; CITY OF  
PORT ORCHARD et al, a municipal  
corporation ,AL TOWNSEND, Port Orchard  
Chief of Police, in his individual and official  
capacity, CITY OF POULSBORO et al, a

5<sup>th</sup> AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

1 municipal corporation; JEFF DORAN, Poulsbo  
 2 Chief of Police, in his individual and official  
 3 capacity, CITY OF PUYALLUP et al, a  
 4 municipal corporation; JIM COLLYER,  
 5 ROBIN JAMES Puyallup Chief of Police, in  
 6 their individual and official capacity; CITY OF  
 7 TACOMA et al, a municipal corporation; DON  
 8 RAMSDELL, Tacoma Chief of Police, Capt.  
 9 PAUL MIELBRECHT, in their individual and  
 10 official capacity; PIERCE COUNTY et al, a  
 11 municipal corporation; PAUL PASTOR,  
 12 Pierce County Sheriff, Capt. Rick Adamson, in  
 their individual and official capacity; STATE  
 OF WASHINGTON et al, a municipal  
 corporation; the WASHINGTON STATE  
 PATROL et al, a Washington State  
 Department; JOHN BATISTE, Chief of  
 Washington State Patrol, in his individual and  
 official capacity; FRED BJORNBERG, a  
 Washington State Trooper, in his individual  
 and official capacity.

Defendants,

## INTRODUCTION

1. COMES NOW the plaintiff, John Worthington pro se, to seek injunctive,  
 declaratory tort relief pursuant to the federal Declaratory Judgment Act 28 U.S.C. § 2201, and  
 the Washington State Uniform Declaratory Judgments Act 7.24, directly under the Constitution  
 of the United States, and under the laws of the State of Washington (“state law”), for, *inter alia*,  
 declaratory, temporary, preliminary, and permanent injunction relief, and such other and further  
 relief as may be just and proper in accordance with law and equity, from past, current, and  
 threatened deprivations of plaintiff’s rights under the Constitution and laws of the United States,  
 and laws of State of Washington, by the defendants acting individually and in concert to  
 undermine the Washington State medical marijuana law, and deprive the plaintiff of his rights to  
 an affirmative defense under the Washington State Medical Marijuana Act RCW 69.51A.040.

2. The plaintiff fell out of a tree in 1976 and broke his back in three places. Over the

1 years since that injury the plaintiff has gradually lost circulation to his joints and suffered  
2 continuous pain and back spasms. In 2003, the plaintiff was diagnosed with osteonecrosis of the  
3 left hip and diagnosed with diverticulitis. In 2005, the plaintiff became a legal Washington State  
4 medical marijuana patient, and is entitled to use medical marijuana under the provisions of the  
5 Washington State Medical Marijuana Act RCW 69.51A, establishing the plaintiff's right to grow  
6 medical marijuana for his personal medical use.

7           3. In 2006, the plaintiff became aware that the West Sound Narcotics Enforcement  
8 Team (Heretofore WESTNET), along with many others, defined a 60 day supply of medical  
9 marijuana on their own, and adopted secret illegal medical marijuana plant limit , without  
10 initiating a legal rule making process, then started enforcing these de facto 60 day supply of  
11 medical marijuana plant limits on Washington State medical marijuana patients.

12           4. The plaintiff wrote a study for the Washington State legislature which complained  
13 about the custom and practice of law enforcement creating their own 60 day supply and  
14 enforcing their own plant limits, and enforcing them on Washington State medical marijuana  
15 patients. In the study, the plaintiff mentioned Roy Alloway enforcing federal marijuana laws  
16 over state medical marijuana laws, and described WEST NET as a rogue multi jurisdictional  
17 drug task force taking medical marijuana cases to the federal courts if state guilty pleas were not  
18 taken . The study was turned over to the Washington State legislature on January 9, 2007.

19           5. On January 12, 2007, the defendant Roy Alloway gave false information to a  
20 Judge in Kitsap County and brought WEST NET and the Tahoma Narcotics Enforcement Team  
21 (Heretofore TNET) along to retaliate against the plaintiff for complaining about his enforcement  
22 of Washington State medical marijuana laws, and helping a man change his federal plea in a  
23 previous WEST NET case. After Alloway declared the plaintiff a legal Washington State  
24 medical marijuana patient, TNET'S Fred Bjornberg declared he was a federal agent and seized  
25  
26

1 the plaintiff's legal medicine he was entitled to grow under RCW 69.51A, and by-passed the  
2 plaintiff's rights to an affirmative defense under RCW 69.51A.040.

3 6. The plaintiff discovered that Fred Bjornberg was a Washington State patrolman  
4 cross designated as a federal agent, and made a public records request for his records of the raid  
5 on the plaintiff and was told Bjornberg was contracted out to a federal entity and was under the  
6 command and control of the DEA.

7  
8 7. The Plaintiff filed a Washington State Public Records Act lawsuit to obtain  
9 Bjornberg's records and the TNET entities claimed to be federal agencies immune to  
10 Washington State laws. The Washington State Patrol cited Regional Task force agreements  
11 which put the DEA in control of the task forces, as proof of TNET being a federal entity.

12 8. In 2008, the plaintiff uncovered Conant v. Walters<sup>1</sup>, a 1996 federal civil conspiracy  
13 case to punish doctors for signing medical marijuana authorizations, and also discovered a civil  
14 conspiracy to undermine the state medical marijuana laws by using conditioned High Intensity  
15 Drug Trafficking Area (Heretofore HIDTA) grants to cross designate state and local law  
16 enforcement to enforce a federal drug control policy, by pass the affirmative defense in the state  
17 medical marijuana laws and seize medical marijuana on behalf of the DEA.

18  
19 9. In 1998, the TNET defendant's signed the HIDTA federal grant contract to work  
20 for the DEA, and seize medical marijuana on their behalf, where the medical marijuana could be  
21 "forfeited and summarily destroyed" once it was in the DEA's possession. After the defendants  
22 seized the plaintiff's medical marijuana on January 12, 2007, they issued a policy statement that

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24 <sup>1</sup> Conant v. Walters (9th Cir 2002) 309 F.3d 629

25 Physicians have a First Amendment right to discuss medical marijuana with their patients,  
26 but not to help them obtain cannabis for medical use.

1 medical marijuana violated federal laws and they would seize it regardless of medical marijuana  
2 plant limit thresholds.

3 10. In 2008, the plaintiff obtained the February 14, 2007 TNET executive board  
4 meeting minutes of the plaintiff's arrest, stating that when TNET goes out and does a raid and  
5 finds medical marijuana it will be confiscated despite any plant limit thresholds because medical  
6 marijuana is illegal federally.

7  
8 11. The plaintiff was a victim of WEST NET's illegal definition of a 60 day supply  
9 of medical marijuana adopted without a legal and open rule making process, and was denied his  
10 affirmative defense under Washington State law RCW 69.51A.040, and had his medical  
11 marijuana seized despite RCW 69.51A.050, by a Washington State multi jurisdictional drug task  
12 force TNET, which had signed conditioned HIDTA grants to seize medical marijuana for the  
13 DEA. All of the allegations of violations by the defendants were sponsored mostly by the State  
14 of Washington in direct conflict with the Washington State Medical Marijuana Act RCW  
15 69.51A.

16  
17 12. The plaintiff suffered financial, physical, and mental damages as a result of  
18 the retaliatory raid, and the seizure of his legal medical marijuana, and went on to experience  
19 medical complications which caused numerous emergency room visits and follow up outpatient  
20 treatment care. As a result the plaintiff is asking for tort damages to be established at trial.

## 21 **JURISDICTION**

22 13. This action is brought for violations under the laws of Washington State.  
23 Accordingly this court has jurisdiction of the subject matter of this action under 28 U.S.C. §§  
24 1331 and the doctrine of supplemental jurisdiction codified at 28 U.S.C. § 1367(a)

25 14. The acts resulting in the plaintiff's injuries occurred in King County and the  
26

1 court has jurisdiction of this action and the persons of the parties hereto under R.C.W. 4.12.020.  
 2 Venue is properly established in this judicial district pursuant to R.C.W. 4.12.020, R.C.W.4.92  
 3 and R.C.W. 4.96.020.

4 15. The Superior Court has original jurisdiction over the subject matter of this  
 5 action pursuant to RCW 2.08.010(Superior Court general provision), RCW 4.12.025 (1) an  
 6 action may be brought in any county in which the Defendant resides.

7 16. The Superior court has personal and subject matter jurisdiction over claims  
 8 for declaratory relief against the state and state officers under RCW7.24.10. Plaintiff has  
 9 arranged for the timely service of the Washington State Attorney General pursuant to  
 10 7.24.110.

11 17. Venue is proper in this court because the Plaintiff lives in King County, RCW  
 12 492.010 (1).

13 18. Worthington filed a claim for damages regarding the torts alleged in this action  
 14 pursuant to RCW 4.96.020. The claims were presented to the Pierce County Risk Management  
 15 Department on 10/31/ 2008, and 10/5/2009, Bonney Lake City Hall on 10/31/2008 and  
 16 10/5/2009, Bremerton City Hall on 7/6/2007, and 10/5/2009, Poulsbo City Hall on 5/11/2009 and  
 17 10/5/2009, Port Orchard City Hall on 10/5/2009, Puyallup City Hall on 10/31/ 2008 and  
 18 10/5/2009, Tacoma City Hall on 10/31/ 2008 and 10/5/2009, and the Office of Financial  
 19 Management on 7/6/2007, 8/31/200, and 10/5/2009. Worthington served reminder claims on  
 20 these entities in November 2009.

## 21 **PARTIES**

22 19. At all times material herein, plaintiff John Worthington was a resident  
 23 of King County in the State of Washington.

24 20. Due to the 9<sup>th</sup> Circuit case law established in *Hervey v. Estes*<sup>2</sup>, the plaintiff

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25 <sup>2</sup> *Hervey v. Estes*<sup>2</sup>, 65 F.3d 784 (9th Cir. 1995) , the court held that an intergovernmental task  
 26 force made up of various local, county and state agencies was not subject to suit because there

1 can not bring suit against WEST NET or TNET, and has to list each participating member  
2 agency of TNET , and WEST NET separately.

3           21. Defendant City of Bonney Lake is a local sovereign government incorporated as  
4 a municipal corporation. Bonney Lake and its police department are members of Tahoma  
5 Narcotics Enforcement Team (TNET), a multi-agency government drug task force. As such  
6 Defendant City of Bonney Lake exists, is duly incorporated and organized under the laws of  
7 the State of Washington and the laws of the United States of America. The City of Bonney Lake  
8 provides services to its citizens and residents by and through the Bonney Lake Police  
9 Department. At the time of the incident alleged herein, Defendant City of Bonney Lake was the  
10 employer of Defendant Mike Mitchell, and is being charged under the doctrines of respondeat  
11 superior and vicarious liability. Upon information and belief that the City of Bonney Lake agreed  
12 to seize medical marijuana for the DEA, and undermine the plaintiff's rights to an affirmative  
13 defense under the Washington State medical marijuana Act RCW 69.51A.040. The Bonney lake  
14 defendants signed HIDTA contracts to function as a federal entity, and seize the plaintiff's  
15 medical marijuana costing him thousands of dollars, damaging his health, and leading to many  
16 emergency room visits and follow up outpatient care.

17           22. Defendant Mike Mitchell was at all times material herein the police Chief for the  
18 Bonney Lake Police Department. Upon information and belief that defendant Mitchell signed a  
19 HIDTA federal grant contract to seize medical marijuana for the DEA, agreed to a policy  
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21 was insufficient evidence to show that those entities intended to create a separate legal entity  
22 subject to suit. In *Brown v. Fifth Judicial Dist. Drug Task Force* , the court found that a multi-  
23 city, multi-county, unincorporated, intergovernmental, multi-jurisdictional drug task force could  
24 not be sued because it had no separate legal existence, nor had it been granted statutory authority  
25 to sue or be sued. The court also stated that "authorities more directly on point appear to be  
26 uniform in holding that drug task forces similar to the defendant in this case are not separate  
legal entities subject to suit."

1 statement as a TNET executive board member to allow fellow TNET board member Fred  
2 Bjornberg to seize the plaintiff's medical marijuana regardless of the plant limit thresholds of  
3 Washington State medical marijuana law. Defendant Mike Mitchell is charged in his individual  
4 and official capacity for malfeasance, official misconduct, by passing the affirmative defense in  
5 Washington State medical marijuana law RCW 69.51A.040, illegally regulating medical practice  
6 in Washington State and seizing of the plaintiff's legal medicine for the DEA in violation of  
7 RCW 69.51A.050, resulting in financial damages, physical damages, emergency room visits, and  
8 outpatient care, as a result of the illegal regulation of his medical treatment.

9           23. Defendant City of Bremerton is a local sovereign government incorporated as a  
10 municipal corporation. Bremerton and its police department are members of West Sound  
11 Narcotics Enforcement Team (WESTNET), a multi-agency government drug task force. As such  
12 Defendant City of Bremerton exists, is duly incorporated and organized under the laws of the  
13 State of Washington and the laws of the United States of America. The City of Bremerton  
14 provides services to its citizens and residents by and through the Bremerton Police Department.  
15 At the time of the incident alleged herein, Defendant City of Bremerton was the employer of  
16 Defendant Craig Rogers. The City of Bremerton also employed Defendant Bremerton police  
17 Officer Roy Alloway a detective assigned to WESTNET and is being charged under the  
18 doctrines of respondeat superior and vicarious liability. Upon information and belief that the City  
19 of Bremerton had de facto control over city of Bremerton police department members of West  
20 Net, and are responsible under respondeat superior for the creation of the West Net interlocal  
21 agreement which they signed voluntarily to employ City of Bremerton participating members of  
22 West Net, to officially adopt and promulgate a policy statement to illegally regulate medical  
23 practice in Washington State with an illegal policy statement to enforce a 27 plant medical  
24 marijuana plant limit imposed and enforced by West Net without a legal and open rule making  
25 process, and nullified the plaintiff's Washington State medical marijuana rights. The City of  
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1 Bremerton defendants are charged in their individual and official capacity for illegal regulating  
2 medical practice, the nullification of the plaintiff's Washington State medical marijuana rights to  
3 an affirmative defense under RCW 69.51A.040, malfeasance, official misconduct, HIPPA  
4 violations, and violations of other Washington state laws, costing the plaintiff thousands of  
5 dollars, damaging his health and leading to many emergency room visits and follow up  
6 outpatient care.

7           24. Defendant Craig Rogers was at all times material herein the Chief of Police for the  
8 Bremerton Police Department. Defendant Rogers was acting in his official capacity as a  
9 Municipality of Bremerton policy maker. Upon information and belief that Police Chief Rogers,  
10 a WEST NET policy board member, and WEST NET policy maker, is being charged under the  
11 doctrines of respondeat superior and vicarious liability for officially adopting and promulgating a  
12 policy statement to enforce an illegal 27 plant medical marijuana plant limit without a legal and  
13 open rule making process; illegally regulating medical practice; retaliation against the plaintiff;  
14 failing to abide by the affirmative defense in RCW 69.51A.040 of the Washington State medical  
15 marijuana Act RCW 69.51A; malfeasance; official misconduct; Malicious prosecution; HIPPA  
16 violations; and violations of other Washington state laws costing the plaintiff thousands of  
17 dollars, damaging his health and leading to many emergency room visits and follow up  
18 outpatient care.

19           25. Defendant Roy Alloway was at all times material herein an officer/ detective for  
20 the Bremerton Police Department assigned to WEST NET. Upon information and belief that  
21 Defendant Alloway was acting in his individual and official capacity for the enforcement of a  
22 WEST NET policy statement to create and enforce an illegal 27 plant limit without a legal open  
23 rule making process. Alloway is charged in his individual and official capacity with illegally  
24 regulating medical practice; failing to abide by the affirmative defense RCW 69.51A.040 of the  
25 Washington State medical marijuana Act RCW 69.51A; official misconduct, HIPPA violations,

1 Malicious prosecution; false report; and violations of other Washington state laws costing the  
2 plaintiff thousands of dollars, damaging his health and leading to many emergency room visits  
3 and follow up outpatient care.

4           26. Defendant City of Port Orchard is a local sovereign government incorporated as a  
5 municipal corporation. Port Orchard and its police department are members of West Sound  
6 Narcotics Enforcement Team (WESTNET), a multi-agency government drug task force. As such  
7 Defendant City of Port Orchard exists, is duly incorporated and organized under the laws of the  
8 State of Washington and the laws of the United States of America. The City of Port Orchard  
9 provides services to its citizens and residents by and through the Port Orchard Police  
10 Department. At the time of the incident alleged herein, Defendant City of Port Orchard was the  
11 employer of Defendant Al Townsend a WEST NET policy board member and is being charged  
12 under the doctrines of respondeat superior and vicarious liability.. Upon information and belief  
13 that the City of Port Orchard had de facto control over city of Port Orchard police department  
14 members of West Net, and are responsible under respondeat superior for the creation of the West  
15 Net interlocal agreement which they signed voluntarily to employ City of Port Orchard  
16 participating members of West Net, to officially adopt and promulgate a policy statement to  
17 illegally regulate medical practice in Washington State with an illegal policy statement to  
18 enforce a 27 plant medical marijuana plant limit imposed and enforced by West Net without a  
19 legal and open rule making process, and nullified the plaintiff's rights to an affirmative defense  
20 in RCW 69.51A.040 of the Washington State medical marijuana rights under RCW 69.51A.  
21 The City of Port Orchard defendants are charged in their individual and official capacity for  
22 under respondeat superior for illegally regulating medical practice, malfeasance, official  
23 misconduct, HIPPA violations, violations of other Washington state laws, costing the plaintiff  
24 thousands of dollars, damaging his health and leading to many emergency room visits and follow  
25 up outpatient care.

1           27. Defendant Al Townsend was at all times material herein the Chief of Police for the  
2 Port Orchard Police Department. Defendant Townsend was acting in his official capacity. Upon  
3 information and belief that Police Chief Townsend had de facto control over city of Port Orchard  
4 police department members of West Net, is being charged under the doctrines of respondeat  
5 superior and vicarious liability in his individual and official capacity for adopting and executing  
6 a WEST NET policy statement to enforce an illegal 27 medical marijuana plant limit, without a  
7 legal and open rule making process; As a WEST NET policy board member Townsend is  
8 responsible for illegally regulating medical practice; failing to honor the plaintiff's Washington  
9 State medical marijuana rights to an affirmative defense under RCW 69.51A.040; malfeasance;  
10 official misconduct ; Malicious prosecution; HIPPA violations; and violations of other  
11 Washington state laws, costing the plaintiff thousands of dollars, damaging his health and  
12 leading to many emergency room visits and follow up outpatient care.

13           28. Defendant City of Poulsbo is a local sovereign government incorporated as a  
14 municipal corporation. Poulsbo city council and its police department the members of West  
15 Sound Narcotics Enforcement Team (WESTNET), a multi-agency government drug task force.  
16 As such Defendant City of Poulsbo exists, is duly incorporated and organized under the laws of  
17 the State of Washington and the laws of the United States of America. The City of Poulsbo  
18 provides services to its citizens and residents by and through the Poulsbo Police Department. At  
19 the time of the incident alleged herein, Defendant City of Poulsbo was the employer of  
20 Defendant Jeff Doran and is being charged under the doctrines of respondeat superior and  
21 vicarious liability. Upon information and belief that the City of Poulsbo had de facto control over  
22 city of Poulsbo police department members of West Net, and are responsible for the creation of  
23 the West Net interlocal agreement which they signed voluntarily to employ City of Poulsbo  
24 participating members of West Net to illegally regulate medical practice in Washington State  
25 with an illegal 27 plant medical marijuana limit imposed and enforced by West Net without a  
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1 legal and open rule making process, which nullified the plaintiff's Washington State medical  
2 marijuana rights to an affirmative defense under RCW 69.51A.040. The City of Poulsbo  
3 Municipality is liable for their policy makers. The City Council of Poulsbo created the WEST  
4 NET interlocal agreement, and had a representative of the City of Poulsbo on the WEST NET  
5 policy board, which had determined to enforce a 27 plant medical marijuana plant limit on the  
6 plaintiff and others. The municipality of Poulsbo is charged for illegally regulating medical  
7 practice, the nullification of the plaintiff's Washington State medical marijuana rights under  
8 RCW 69.51A, malfeasance, official misconduct, HIPPA violations, and violations of other  
9 Washington state laws against, costing the plaintiff thousands of dollars, damaging his health and  
10 leading to many emergency room visits and follow up outpatient care.

11           29. Defendant Jeff Doran was at all times material herein the Chief of Police for the  
12 Poulsbo Police Department. Defendant Doran was acting in his official capacity as a policy  
13 maker for the municipality of Poulsbo and the WEST NET Policy board. Upon information and  
14 belief that Police Chief Doran had de facto control over city of Poulsbo police department  
15 members of West Net under respondeat superior, is being charged under the doctrines of  
16 respondeat superior and vicarious liability in his individual and official capacity for executing a  
17 WEST NET policy statement to adopt an illegal 27 medical marijuana plant limit without a legal  
18 and open rule making process; illegally regulating medical practice in Washington State;  
19 undermining the plaintiff's Washington State medical marijuana rights to an affirmative defense  
20 under RCW 69,51A.040; malfeasance; official misconduct; malicious prosecution; HIPPA  
21 violations; and violations of other Washington state laws against the plaintiff, costing him  
22 thousands of dollars, damaging his health and leading to many emergency room visits and follow  
23 up outpatient care.

24           30. Defendant City of Puyallup is a local sovereign government incorporated as a  
25 municipal corporation. Puyallup and its police department are members of Tahoma Narcotics  
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1 Enforcement Team (TNET), a multi-agency government drug task force. As such Defendant City  
2 of Puyallup exists, is duly incorporated and organized under the laws of the State of  
3 Washington and the laws of the United States of America. The City of Puyallup provides  
4 services to its citizens and residents by and through the Puyallup Police Department. At the time  
5 of the incident alleged herein, Defendant City of Puyallup was the employer of the city council a  
6 policy maker for the municipality of Puyallup, and creators of the TNET interlocal agreement  
7 signed by employee Robin James the Chief of Police. The City of Puyallup also employed  
8 Defendant Jim Collyer, another policy maker for the Municipality of Puyallup and the TNET  
9 Executive board and is being charged under the doctrines of respondeat superior and vicarious  
10 liability. Upon information and belief that the Municipality of Puyallup signed HIDTA contracts  
11 to cross designate Puyallup police officers to undermine the Washington State medical  
12 marijuana law RCW 69.51A and seize the plaintiff's medical marijuana. The Municipality of  
13 Puyallup is charged for secession from the State of Washington without the approval of the  
14 Washington State legislature as required by Article IV of the United States Constitution, and  
15 despite the legislative intent to put the IAD division of the Washington State patrol in charge of  
16 multi jurisdictional drug task forces in Washington State under RCW 43.43.655. The  
17 Municipality of Puyallup officially adopted and promulgated a policy statement to work for the  
18 U.S. Department of Justice and seize medical marijuana, thereby nullifying the plaintiff's  
19 Washington State medical marijuana rights to an affirmative defense under RCW 69.51A.040,  
20 costing him thousands of dollars, damaging his health and leading to many emergency room  
21 visits and follow up outpatient care.

22           31. Defendant Jim Collyer was at all times material herein the police Chief for the  
23 Puyallup Police Department. Upon information and belief that defendant Collyer agreed to a  
24 policy statement as a TNET executive board member to allow fellow TNET board member Fred  
25 Bjornberg to seize the plaintiff's medical marijuana regardless of the plant limit thresholds in  
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1 violation of the Washington State medical marijuana law RCW 69.51A. Defendant Collyer is  
2 charged is being charged under the doctrines of respondeat superior and vicarious liability in his  
3 individual and official capacity for malfeasance, official misconduct, by passing the Washington  
4 State medical marijuana law affirmative defense in RCW 69.51A.040, illegally regulating  
5 medical practice in Washington State and seizing of the plaintiff's legal medicine for the DEA in  
6 violation of RCW 69.51A.050, resulting in financial damages, physical damages, emergency  
7 room visits, and outpatient care, as a result of the illegal regulation of his medical treatment.

8           32. Defendant City of Tacoma is a local sovereign government incorporated as a  
9 municipal corporation. Tacoma and its police department are members of Tahoma Narcotics  
10 Enforcement Team (TNET), a multi agency government drug task force. As such Defendant City  
11 of Tacoma exists, is duly incorporated and organized under the laws of the State of Washington  
12 and the laws of the United States of America. The City of Tacoma provides services to its  
13 citizens and residents by and through the Tacoma Police Department. At the time of the incident  
14 alleged herein, Defendant City of Tacoma was the employer of Defendants Don Ramsdell, a  
15 policy maker for the Municipality of Tacoma, and also employed Paul Mielbrecht, another  
16 policy maker for the Municipality of Tacoma, which helped create the TNET interlocal  
17 agreement and is being charged under the doctrines of respondeat superior and vicarious liability.  
18 Upon information and belief that the Municipality of Tacoma created a federal entity immune to  
19 Washington State law, which had declared a separate sovereignty than that of Washington State,  
20 without any authority to secede from the State of Washington. The Municipality of Tacoma is  
21 charged for secession from the State of Washington without the approval of the Washington  
22 State legislature as required by Article IV of the United States Constitution, and despite the  
23 legislative intent to put the IAD division of the Washington State patrol in charge of multi  
24 jurisdictional drug task forces in Washington State under RCW 43.43.655. The Municipality of  
25 Tacoma officially adopted and promulgated a policy statement to work for the U.S. Department  
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1 of Justice and seize medical marijuana, thereby nullifying the plaintiff's Washington State  
 2 medical marijuana rights to an affirmative defense under RCW 69.51A.040. The Municipality of  
 3 Tacoma defendants are charged with signing HIDTA contracts to convert Washington State tax  
 4 dollars, and resources into a federal entity to by pass the Washington State medical marijuana  
 5 law for the federal government, illegally regulating medical practice with a TNET policy  
 6 statement signed by Paul Mielbrecht to allow fellow TNET board member Fred Bjornberg to  
 7 seize medical marijuana regardless of plant limit thresholds, the nullification of the plaintiff's  
 8 Washington State medical marijuana rights under RCW 69.51A, malfeasance, official  
 9 misconduct, HIPPA violations, and violations of other Washington state laws costing the  
 10 plaintiff thousands of dollars, damaging his health and leading to many emergency room visits  
 11 and follow up outpatient care.

12 33. Defendant Don Ramsdell was at all times material herein the police Chief for the  
 13 Tacoma Police Department. Upon information and belief that defendant Ramsdell signed a  
 14 HIDTA federal grant contract to seize medical marijuana for the DEA, is responsible under  
 15 respondeat superior for a policy statement of the Tacoma police TNET executive board member  
 16 Paul Mielbrecht to allow fellow board member Fred Bjornberg to seize the plaintiff's medical  
 17 marijuana regardless of the plant limit thresholds of Washington State medical marijuana law.  
 18 Defendant Ramsdell is being charged under the doctrines of respondeat superior and vicarious  
 19 liability in his individual and official capacity for malfeasance, official misconduct, by passing  
 20 the affirmative defense in Washington State medical marijuana law RCW 69.51A.040, illegally  
 21 regulating medical practice in Washington State and seizing of the plaintiff's legal medicine for  
 22 the DEA in violation of RCW 69.51A.050, resulting in financial damages, physical damages,  
 23 emergency room visits, and outpatient care, as a result of the illegal regulation of his medical  
 24 treatment.

25 34. Defendant Pierce County is a local sovereign government incorporated as a  
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1 municipal corporation. Pierce County and its sheriff's department are members of Tahoma  
2 Narcotics Enforcement Team (TNET), a multi-agency government drug task force. As such  
3 Defendant Pierce County exists, is duly incorporated and organized under the laws of the State of  
4 Washington and the laws of the United States of America. Pierce County provides services to its  
5 citizens and residents by and through the Pierce County Sheriff's Department. At the time of the  
6 incident alleged herein, Defendant Pierce County was the employer of Defendants Paul  
7 Pastor, a policy maker for the Municipality of Pierce County, and the employers of Rick  
8 Adamson, another policy maker for the Municipality of Pierce County and is being charged  
9 under the doctrines of respondeat superior and vicarious liability. Upon information and belief  
10 that the Municipality of Pierce County officially adopted and promulgated a policy statement  
11 signed by Pastor to work for the U.S. Department of Justice and seize medical marijuana thereby  
12 nullifying the plaintiff's Washington State medical marijuana rights. The Municipality of Pierce  
13 County defendants are charged with signing conditioned HIDTA contracts to cross designate  
14 Washington State and local law enforcement to by pass the Washington State medical marijuana  
15 law for the federal government, Civil conspiracy to illegally regulate medical practice with a  
16 TNET policy statement signed by Rick Adamson to allow fellow TNET board member Fred  
17 Bjornberg to seize the plaintiff's medical marijuana regardless of plant limit thresholds, the  
18 nullification of the plaintiff's Washington State medical marijuana rights to an affirmative  
19 defense under RCW 69.51A.040, malfeasance, official misconduct, HIPPA violations, and  
20 violations of other Washington state laws, costing the plaintiff thousands of dollars, damaging  
21 his health and leading to many emergency room visits and follow up outpatient care.

22         35. 27. Defendant Paul Pastor was at all times material herein the Sheriff of Pierce  
23 County. Upon information and belief that defendant Paul Pastor signed a HIDTA federal grant  
24 contract to seize medical marijuana for the DEA, is responsible under respondeat superior for a  
25 policy statement of the TNET executive board member from Pierce County Rick Adamson to  
26



1 allow fellow TNET board member Fred Bjornberg to seize the plaintiff's medical marijuana  
2 regardless of the plant limit thresholds of Washington State medical marijuana law. Defendant  
3 Pastor is charged in his individual and official capacity for malfeasance, official misconduct, by  
4 passing the affirmative defense in Washington State medical marijuana law RCW 69.51A.040,  
5 illegally regulating medical practice in Washington State and seizing of the plaintiff's legal  
6 medicine for the DEA in violation of RCW 69.51A.050, resulting in financial damages, physical  
7 damages, emergency room visits, and outpatient care, as a result of the illegal regulation of his  
8 medical treatment.

9 36. Defendant Washington State Patrol is a department of and agency separate from  
10 Defendant State of Washington. As such defendant Washington State Patrol exists, is duly  
11 incorporated, and organized under the laws of the State of Washington and the laws of the  
12 United States of America. The State of Washington provides law enforcement services to its  
13 citizens and residents by and through the Washington State Patrol and is being charged under  
14 the doctrines of respondeat superior and vicarious liability.. Upon information and belief that the  
15 Washington State Patrol had failed to meet the requirements of RCW 43.43.655, whereas it  
16 would be impossible to coordinate Washington State multi jurisdictional drug task forces, when  
17 the Washington State patrol conceded authority of the Washington State Patrol members in those  
18 Washington State multi jurisdictional drug task forces to the DEA. The Washington State Patrol  
19 is being charged with joining a civil conspiracy conspired in 1996, to condition federal HIDTA  
20 grant contracts to cross designate Washington State law enforcement personnel to undermine the  
21 affirmative defense in the Washington State medical marijuana law RCW 69.51A.040, and seize  
22 the plaintiffs medical marijuana for the DEA in violation of RCW 69.51A.050, costing the  
23 plaintiff thousands of dollars, damaging his health and leading to many emergency room visits  
24 and follow up outpatient care.

25 37. Defendant John Batiste was at all times referred to herein, Chief of the Washington  
26

1 State Patrol, and as such, was the commanding officer of Fred Bjornberg assigned to TNET.  
2 Defendant Batiste is further responsible by law for enforcing the regulations of the State of  
3 Washington and for ensuring that Washington State Patrol Troopers obey the laws of the State of  
4 Washington and the United States of America, and for setting State codes with respect to the  
5 hiring, training, supervision, and discipline of State troopers. The Washington State Patrol also  
6 helped to create the TNET interlocal agreement, signed by Batiste. Upon information and belief  
7 that the defendant Batiste had failed to meet the requirements of RCW 43.43.655, whereas it  
8 would be impossible to coordinate Washington State multi jurisdictional drug task forces, when  
9 the Washington State patrol conceded authority of the Washington State Patrol members in those  
10 Washington State multi jurisdictional drug task forces to the DEA. Defendant Batiste is being  
11 charged in his individual and official capacity for signing conditioned federal HIDTA grant  
12 contracts to cross designate state and local law enforcement to seize medical marijuana for the  
13 DEA, and undermine the Washington State medical marijuana law. Defendant Batiste is being  
14 charged in his individual capacity and official capacity for failing to abide by the plaintiff's  
15 rights to an affirmative defense under the Washington State medical marijuana law RCW  
16 69.51A.040, Malfeasance, Misfeasance, and other Washington State law violations regarding the  
17 compliance with the Washington State medical marijuana law, costing the plaintiff thousands of  
18 dollars, damaging his health and leading to many emergency room visits and follow up  
19 outpatient care.

20 38. Defendant Fred Bjornberg was at all times referred to herein; a trooper with the  
21 Washington State Patrol, and as such, was responsible by law for enforcing the regulations of the  
22 State of Washington. Upon information and belief that the defendant Bjornberg had failed to  
23 uphold the Washington State medical marijuana law RCW 69.51A, Defendant Bjornberg is  
24 being charged in his individual and official capacity for is responsible for officially adopting and  
25 promulgating a policy statement to confiscate the plaintiff's medical marijuana ,and interfere  
26

1 with the plaintiff's rights to an affirmative defense under the Washington State medical  
2 marijuana law RCW 69.51A.040, and seize his property under RCW 69.51A.050, Malfeasance,  
3 Misfeasance, official misconduct, Malicious prosecution, and other Washington State law  
4 violations regarding the compliance with the Washington State medical marijuana law, costing  
5 the plaintiff thousands of dollars, damaging his health and leading to many emergency room  
6 visits and follow up outpatient care.

7           39. Washington State Attorney Generals office is a department of and agency separate  
8 from Defendant State of Washington. As such Defendant Washington State Attorney Generals  
9 office exists, is duly incorporated and organized under the laws of the State of Washington and  
10 the laws of the United States of America, and is duly incorporated, and organized under the laws  
11 of the State of Washington and the laws of the United States of America. At the time of the  
12 incident alleged herein, Defendant Washington State Attorney Generals office was the employer  
13 of Defendant Christine Gregoire and Rob McKenna and is being charged under the doctrines of  
14 respondeat superior and vicarious liability.. The Washington State Attorney Generals office also  
15 approved the signing of condition federal HIDTA grants to cross designate state and local law  
16 enforcement to seize the plaintiff's medical marijuana on behalf of the DEA. Upon information  
17 and belief that the Washington State Attorney Generals office failed to protect the Washington  
18 State medical marijuana law from alterations from subordinate county guidelines which were not  
19 formed legally under the regulations of any of the county charters, the agency, and all those  
20 directly employed therein , are charged with complete malfeasance of the Washington State  
21 medical marijuana law from the years 1999 to 2008 for failing to protect RCW 69.51A from  
22 insubordinate local alterations, and upholding the affirmative defense he was entitled under  
23 RCW 69.51A.040, costing the plaintiff thousands of dollars, damaging his health and leading to  
24 many emergency room visits and follow up outpatient care.

25           40. Defendant Christine Gregoire was at all times material herein the Governor of  
26

1 Washington State and Attorney General of Washington State. Defendant Gregoire was acting in  
 2 her official capacity as Governor and Attorney General. Upon information and belief that the  
 3 Governor and Attorney General Gregoire failed to protect the Washington State medical  
 4 marijuana law from alterations from subordinate county guidelines, she is charged in her  
 5 individual and official capacities under the doctrines of respondeat superior and vicarious  
 6 liability with complete malfeasance of the Washington State medical marijuana law from the  
 7 years 1999 to 2008. She is also charged in her official and individual capacity for illegally  
 8 regulating medical practice by developing a policy statement to enforce a 9 medical marijuana  
 9 plant limit in 1999, which led to the incorrect belief that counties could assert local control. This  
 10 “local control” was eventually used against Worthington to nullify his rights to an affirmative  
 11 defense under the Washington State medical marijuana law 69.51A.040. Gregoire personally  
 12 illegally regulated medical practice, and approved of and participated in the federalization of  
 13 Washington State multi jurisdictional drug task forces, which allowed them to proceed as a  
 14 federal agency to use aggressive prosecution tactics to undermine the Washington state medical  
 15 marijuana laws, and nullify the plaintiff’s medical marijuana rights.. Gregoire is also charged in  
 16 her individual and official capacities with violating the Open Public Meetings Act, and Official  
 17 Misconduct for meeting in private with multiple state agencies and non profit groups to develop  
 18 ultra vires medical marijuana policies, instead of initiating a legal and open rule making process  
 19 to develop a legal W.A.C. for medical marijuana laws, costing the plaintiff thousands of dollars,  
 20 damaging his health and leading to many emergency room visits.

21 41. Defendant Rob McKenna was at all times material herein the Attorney General of  
 22 Washington State. Defendant McKenna was acting in his official capacity as Washington State  
 23 Attorney General. Upon information and belief that Attorney General McKenna committed  
 24 Malfeasance for failing to protect the Washington State medical marijuana law from subordinate  
 25 county guidelines, he is being charged in his individual and official capacities under the  
 26

1 doctrines of respondeat superior and vicarious liability. for approving as to form agreements to  
2 allow the Washington State Patrol to secede from Washington State and void the duties imposed  
3 by RCW 43.43.655, which allowed TNET to enforce a TNET policy statement to function as a  
4 federal agency to undermine the plaintiff's rights to an affirmative defense under the Washington  
5 State medical marijuana law RCW 69.51A.040, costing the plaintiff thousands of dollars,  
6 damaging his health and leading to many emergency room visits and follow up outpatient care.

7 42. Defendant State of Washington is a state of the United States duly incorporated,  
8 and organized under the laws of the State of Washington and the laws of the United States of  
9 America. Upon information and belief that the State of Washington enabled state, county and  
10 city law enforcement personnel to secede from Washington State, and undermine Worthington's  
11 rights under the Washington State medical marijuana law, is being charged under the doctrines  
12 of respondeat superior and vicarious liability for entrapment for saving a collapsing federal  
13 program to create a federal agency with state tax dollars and propping it back up with more state  
14 tax dollars to ultimately develop a completely state sponsored federal agency immune from  
15 Washington State laws enabling Washington State, County, and City employees to nullify the  
16 plaintiff's Washington State medical marijuana rights to an affirmative defense under RCW  
17 59.51A.040, costing the plaintiff thousands of dollars, damaging his health and leading to many  
18 emergency room visits.

19 43. At all times referred to herein, TNET and WEST NET Defendants City of Bonney  
20 Lake, City of Bremerton, City of Port Orchard, City of Poulsbo, City of Puyallup, City of  
21 Tacoma, Pierce County, State of Washington, Washington State Attorney Generals office  
22 Washington State Patrol, acted in individually and in concert to undermine the plaintiff's rights  
23 to an affirmative defense under the Washington State medical marijuana Act RCW 69.51A.040,  
24 and other state laws.

## FACTS

44. In 1996, the federal drug control agencies decided to use High Intensity Drug Trafficking Area (HIDTA) Grants to cross designate state and local law enforcement to seize medical marijuana where it would be forfeited to the DEA where it would be summarily destroyed.

45. In 1998, the TNET Municipality defendant's signed these HIDTA Federal grant contracts, and signed another agreement to put the DEA in charge of state and local law enforcement.

46 In 2005-2006, the plaintiff complained about Roy Alloway enforcing a 27 plant medical marijuana plant limit and undermining the Washington State medical marijuana law by turning cases over to the federal courts for violating West Net's 27 plant limit. The plaintiff wrote a study for the Washington State legislature labeling WEST NET and Roy Alloway a rogue entity.

47. On January 12, 2007, Roy Alloway and WEST NET attempted its custom and practice of framing a conspiracy to violate the Washington State controlled substances act under the guise of the Washington State medical marijuana law, and tied the plaintiff to other parties based on a loose association he was never able to prove. Alloway used a criminal informant and his renowned legerdermain affidavit writing skills to trick a judge into acquiring a search warrant for Steve Sarich, which contained more information about the plaintiff than it did about Sarich.

48. At the raid on Sarich's house Alloway decided to call in the DEA (TNET), based on his illegal 27 plant limit, and the number of plants Sarich had gone over his de facto plant limit, and confiscated the plaintiff's medical records .WEST NET ,and TNET attempted a knock and talk at the plaintiff's house claiming that they knew the plaintiff had a medical marijuana

1 authorization from a navy Doctor named Jason Ling. The plaintiff told the two officers, to get a  
2 search warrant.

3 49. WEST NET and TNET obtained a telephonic search warrant using a more  
4 legerdermain tactics and criminal informant named Zack Joy that had never met the plaintiff , or  
5 even know the plaintiff's last name. After obtaining the warrant for the plaintiff without true  
6 probable cause, WEST NET and TNET raided the plaintiff and found 6 medical marijuana plants  
7 and a valid medical marijuana authorization from DR. Thomas Orvald.. Roy Alloway stated he  
8 was going to leave the plants. Fred Bjornberg stated he was a federal agent and that he  
9 was going to confiscate the plants for the DEA.  
10

11 50. The plaintiff found out thru CTED's Dan Davis that Fred Bjornberg was a  
12 Washington State patrolman cross designated as a DEA agent, and requested public records  
13 under the Washington State public records act. The Washington State Patrol claimed Bjornberg  
14 was part of a separate federal entity under the command and control of the DEA and was  
15 immune to Washington State laws.  
16

17 51. On February 14, the TNET executive board meeting minutes of the TNET raid on  
18 the plaintiff stated that medical marijuana is illegal federally, and when they go out and find  
19 medical marijuana it will be seized despite plant limit thresholds. The plaintiff was denied his  
20 affirmative defesne under RCW 69.51A.040 (See Exhibit 1 in the Declaration of John  
21 Worthington)

22 52. The plaintiff was forced back onto pain pills to treat his long term pain, which  
23 caused adverse physical damages resulting in numerous Emergency room visits and out patient  
24 treatment. The plaintiff was embarrassed in front of his neighbors, and lived in constant fear of  
25 more reprisals and retaliation for his medical marijuana activism.  
26

53. As a direct and proximate result of; the adoption and promulgation of an illegal medical marijuana plant limit policy; The signing of conditioned federal HIDTA grant contracts to cross designate Washington State ,County, and City law enforcement to function as a federal agency to by-pass the plaintiff's affirmative defense in RCW 69.51A.040 and seize the plaintiff's medical marijuana in violation of RCW 69.51A.050, and said acts and failures to act of the Defendants City of Bonney Lake, City of Bremerton, City of Port Orchard, City of Poulsbo, City of Puyallup, City of Tacoma, Pierce County, the Washington State Attorney Generals office, Christine Gregoire, Rob McKenna, Washington State Patrol, John Batiste, Fred Bjornberg, WEST NET, TNET participating agencies and the acts and failures to act of Bonney Lake Police Chief Mike Mitchell, Bremerton Police Chief Craig Rogers, Bremerton police detective Roy Alloway, Port Orchard Police Chief Al Townsend, Poulsbo Police Chief Jeff Doran, Puyallup Police Chief Jim Collyer, Tacoma Police Chief Don Ramsdell, Pierce County Sheriff Paul Pastor,further described in the following paragraphs, the Plaintiff John Worthington suffered injuries and damages, including but not limited to:

- a. Violations of the Washington State medical marijuana law RCW 69.51A
- b. Violations of Washington State rights and laws;
- c. Fear, emotional distress, humiliation and embarrassment;
- d. Pursuant to Washington's Declaratory Judgment Act RCW Chapter 7.24, and the federal Declaratory Judgment Act 28 U.S.C. 2201, Worthington is entitled to a Declaratory Judgment that Defendant actions As described herein violate the Washington State Medical Marijuana Act, and, further is entitled to an Injunction to prevent Defendants from continuing to violate the Washington State Medical Marijuana Act or the plaintiff's other state rights;



e. Economic and non-economic damages past and future, in an amount to be established at trial. The actions of the Defendants in violation of the Washington State medical marijuana law, other state laws and the Washington state rights of the plaintiff, as further described below.

***COUNT 1- DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF  
VIOLATION OF WASHINGTON STATE SEIZURE LAWS-RESPONDEAT  
SUPERIOR-ALL DEFENDANTS***

54. The plaintiff realleges and incorporates herein by reference each and every allegation contained above as though fully set forth herein.

55. Defendants actions violated Washington state search and seizure laws when the Defendants converted the plaintiff's plants into the possession of the U.S. Department of Justice, using a medical marijuana plant limit law, and local control that did not have legal statutory effect to enable such ultra vires laws to nullify Washington State laws, and a TNET interlocal agreement intended to be utilized by the U.S Department of Justice to bypass the Washington State medical marijuana law, which did not have the act of state legislation to Convert TNET into a federal entity. The two policy statements went unchallenged by the State of Washington and therefore became official state policies.

56. Alloway manages to use his renowned legerdermain affidavit writing skills to establish probable cause, and initiate the looting process described above as the federal drug control policy.

a. Alloway has established a pattern and practice of repeatedly giving false information to Kitsap County Judges to get search warrants. At least 10 of Alloway's previous cases were dismissed when it was found that Alloway has provided false information to the Courts.

b. Alloway falsely tells a Judge in Kitsap County that; the plaintiff may have tended medical marijuana grows in a previous Alloway case, when he did not, Works for Steve Sarich and Cannacare, when the plaintiff did not, the plaintiff admitted to having a medical marijuana grow, which he did not.

c. Alloway uses a criminal informant that; never saw the plaintiff at Sarich's house, did not know the plaintiff's last name, did not know where The plaintiff lived, or was able make any claims to have witnessed illegal activity by the plaintiff.

d. Alloway did not tell the Kitsap County Judge that, the U.S. Department of Defense was involved with the investigation, and may have had pertinent information which would have negated Alloway's statements to the Judge that WEST NET and TNET had attempted to use the plaintiff's medical marijuana authorization in the knock and talk to attempt an entry.

e. Alloway should no longer be eligible to proceed under the good faith doctrine.

57. As a direct and proximate result of this negligence the Plaintiff suffered damages and will continue to incur substantial damages in an amount to be established at trial.

f. WESTNET and TNET seized the plaintiff's medical marijuana without reasonable suspicion or probable cause to believe the plaintiff was engaged in committing a crime.

g. As a result of the defendants actions the plaintiff was stripped of thousands of dollars worth of medical marijuana and specific strains of medical marijuana to effectively treat his pain management without suffering from internal bleeding, and was forced to seek damaging alternatives ,causing numerous emergency room visits and follow up outpatient care.

***COUNT 2- DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF  
TORTIOUS CONDUCT CLAIMS FOR VIOLATION OF WASHINGTON  
STATE MEDICAL MARIJUANA LAW RCW 69.51A –RESPONDEAT  
SUPERIOR-ALL DEFENDANTS***

58. The plaintiff realleges and incorporates herein by reference each and every

1 allegation contained above as though fully set forth herein,

2 59. Defendant WEST NET and TNET participating agencies actions violated the  
3 Washington State Medical Marijuana Act RCW 59.51A, when the Defendants executed a TNET  
4 policy Statement to function as a federal agency, and converted the plaintiff's medical marijuana  
5 plants into the possession of the U.S. Department of Justice, using a WEST NET policy  
6 statement for a 27 plant marijuana plant limit law that did not have legal statutory effect to  
7 enable such ultra vires policy to nullify the plaintiff's rights under the Washington State  
8 medical marijuana laws; and Using a TNET policy to function as a federal agency to nullify  
9 the plaintiff's rights under the Washington State medical marijuana law RCW 69.51A.  
10

11 60. Defendant WEST NET and TNET participating agencies violated the Washington  
12 State Medical Marijuana Act, when Defendant's converted Worthington's plants into the  
13 possession of the U.S. Department of Justice, using "federal entity" that did not have the legal  
14 statutorily required act of the Washington State Legislature to function as a "federal entity", and  
15 allow WEST NET AND TNET to ignore the Washington State Medical Marijuana Act  
16 RCW69.51A.  
17

18 61. Defendant's WEST NET and TNET participating agencies violated the Washington  
19 State Medical Marijuana Act RCW 69.51A.040, when Worthington did not get his Affirmative  
20 Defense in a Washington State Court.  
21

22 62. All defendant's violated the plaintiff's rights secured under the Washington State  
23 Medical Marijuana Act RCW 69.51A, using Washington State funds to officially adopt and  
24 promulgate two policy statements ,which went unchallenged by the State of Washington and  
25  
26

1 where therefore adopted as State policy ,to undermine the plaintiff's medical marijuana rights  
2 under RCW 69.51A.

3 a. All of these defendants should be charged with Malfeasance, official  
4 misconduct, and abuse of office.

5 b. As a result of the defendants actions the plaintiff was stripped of thousands of  
6 dollars worth of medical marijuana and specific strains of medical marijuana to  
7 effectively treat his pain management without suffering from internal bleeding, and  
was forced to seek damaging alternatives ,causing numerous emergency room visits  
and follow up outpatient care.

8 63. Defendant Alloway's actions violated the plaintiff's rights secured under the  
9 Washington State Medical Marijuana Act RCW 69.51A, using a criminal informant that  
10 did not meet the criteria required under the Aguilar- Spinelli test for determining the  
11 reliability and credibility of informant information, as a means to establish probable cause.

12 a. Alloway has established a pattern and practice of repeatedly giving false  
13 information to Kitsap County Judges to get search warrants. At least 10 of Alloway's  
14 previous cases were dismissed when it was found that Alloway has provided false  
information to the Courts.

15 b. Alloway should no longer be eligible to proceed under the good faith doctrine

16 64. Defendant Alloway manages to use his renowned legerdermain affidavit writing  
17 skills to establish probable cause in a manor that would not withstand a Franks hearing.  
18 The plaintiff's case would have been dismissed just as many other Alloway cases have  
19 been dismissed, when Alloway's legerdermain affidavits are given adversarial testing.  
20 At least 10 previous cases initiated by Alloway have been dismissed due to false  
21 statements made in acquiring search warrants.  
22

23 65. Defendant Alloway should have been charged with Perjury in State v. Delago, and  
24 should not have remained in a position of authority to apply for search warrants. Alloway  
25 should have been dismissed from West Net and returned to the City of Bremerton to work  
26

1 in another capacity. Alloway should not have been given the opportunity to retaliate against  
 2 the plaintiff, if Alloway had been held accountable for repeatedly making false statements  
 3 to acquire search warrants.

4  
 5 a. Alloway has established a pattern and practice of repeatedly giving false  
 6 information to Kitsap County Judges to get search warrants. At least 10 of Alloway's  
 7 previous cases were dismissed when it was found that Alloway has provided false  
 8 information to the Courts.

9  
 10 b. At some point the courts are going to have to acknowledge that Roy  
 11 Alloway can no longer be trusted to give honest testimony under oath.

12  
 13 c. Alloway should no longer be eligible to proceed under the good faith doctrine.

14  
 15 d. As a result of the defendant's actions the plaintiff was stripped of thousands of  
 16 dollars worth of medical marijuana and specific strains of medical marijuana to  
 17 effectively treat his pain management without suffering from internal bleeding, and  
 18 was forced to seek damaging alternatives ,causing numerous emergency room visits  
 19 and follow up outpatient care.

20  
 21 66. As a direct and proximate result of this negligence the plaintiff suffered damages  
 22 and will continue to incur substantial damages in an amount to be established at trial.

23  
 24 ***COUNT 3- DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF***  
 25 ***VIOLATION OF RCW 42.30-OPEN PUBLIC MEETINGS ACT-***  
 26 ***RESPONDEAT SUPERIOR-ALL DEFENDANTS***

67. The plaintiff realleges and incorporates herein by reference each and every  
 allegation contained above as though fully set forth herein; ,

68. Defendants actions violated the intent of RCW 42.30.10, when they created  
 medical marijuana plant policies in clandestine meetings.

a. The legislature finds and declares that all public commissions, boards,

councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

b. Defendants policy meeting meets the criteria in RCW 42.30.20, (4) "Meeting" means meetings at which action is taken.

c. The action taken was defining a 60 day supply of medical marijuana, and converting state ,county, and city employee's into a federal sovereignty without the required act of the Washington State legislature, or notification of the public.

69. The acts, conduct and behavior of the defendants were performed knowingly, intentionally and maliciously, by reason of which plaintiff is entitled to tort damages.

a. As a result of the defendants actions the plaintiff was stripped of thousands of dollars worth of medical marijuana and specific strains of medical marijuana to effectively treat his pain management without suffering from internal bleeding, and was forced to seek damaging alternatives ,causing numerous emergency room visits and follow up outpatient care.

***COUNT 4- DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF  
CLAIM FOR VIOLATION OF RCW 4.24.630 -RESPONDEAT SUPERIOR –  
ALL DEFENDANTS***

70. The plaintiff realleges and incorporates herein by reference each and every allegation contained above as though fully set forth herein,

1           71. Defendants actions violated RCW 4.24.630 when they wrongfully removed  
 2 The plaintiff's medical marijuana plants, knowing they would be confiscating the plants and not  
 3 depositing them in the district court to by-pass the affirmative defense and for waste Claims  
 4 against all of the individual officers who went on the land and took the Medical Marijuana plants  
 5 and wated (damaged) Worthington's property. RCW 4.24.630:

6           a. (1) Every person who goes onto the land of another and who removes timber,  
 7 crops, minerals, or other similar valuable property from the land, or wrongfully causes  
 8 waste or injury to the land, or wrongfully injures personal property or improvements to  
 9 real estate on the land, is liable to the injured party for treble the amount of the damages  
 10 caused by the removal, waste, or injury. For purposes of this section, a person acts  
 11 "wrongfully" if the person intentionally and unreasonably commits the act or acts while  
 12 knowing, or having reason to know, that he or she lacks authorization to so act.

13 Damages recoverable under this section include, but are not limited to, damages for the  
 14 market value of the property removed or injured, and for injury to the land, including the  
 15 costs of restoration. In addition, the person is liable for reimbursing the injured party for  
 16 the party's reasonable costs, including but not limited to investigative costs and  
 17 reasonable attorneys' fees and other litigation-related costs.

18  
 19           72. Defendants unlawfully exercised dominion and control over property belonging to  
 20 the plaintiff in defiance of the Washington State Medical Marijuana Act RCW 69.51A, by  
 21 converting a state funded and administered inter-government association into to a federal process  
 22 with a "federal entity" that did not have the required act of legislation to make such a conversion.  
 23 In addition, Defendant Alloway withheld information from the state courts and presented false  
 24 information to the state courts to obtain a search warrant. For the purpose of this claim  
 25 Defendant Alloway acted wrongly. The TNET Defendants acted wrongly and admitted to policy  
 26

1 statement that medical marijuana plants would be confiscated for the federal government by  
2 State, County and City employee's despite the state medical marijuana law.

3  
4 73. Defendant Alloway manages to use his renowned legerdermain affidavit writing  
5 skills to establish probable cause in a manor that would not withstand a Franks hearing.  
6 The plaintiff's case would have been dismissed just as many other Alloway cases have  
7 been dismissed, when Alloway's legerdermain affidavits are given adversarial testing.  
8 At least 10 previous cases initiated by Alloway have been dismissed due to false  
9 statements made in acquiring search warrants.

10 a. Alloway has established a pattern and practice of repeatedly giving false  
11 information to Kitsap County Judges to get search warrants. At least 10 of Alloway's  
12 previous cases were dismissed when it was found that Alloway has provided false  
information to the Courts.

13 b. At some point the courts are going to have to acknowledge that Roy  
14 Alloway can no longer be trusted to give honest testimony under oath.

15 c. Alloway should no longer be eligible to proceed under the good faith doctrine.

16  
17 74. Defendant Alloway should have been charged with Perjury in State v. Delago,  
18 and should not have remained in a position of authority to apply for search warrants. Alloway  
19 should have been dismissed from West Net and returned to the City of Bremerton to work  
20 in another capacity. Alloway should not have been given the opportunity to retaliate against  
21 the plaintiff, if Alloway had been properly held accountable for repeatedly making false  
22 statements to acquire search warrants. Alloways testimony under oath should no longer have  
23 been taken at face value by any court.

24 a. As a result of the defendants actions the plaintiff was stripped of thousands of  
25 dollars worth of medical marijuana and specific strains of medical marijuana to  
26 effectively treat his pain management without suffering from internal bleeding, and



1 was forced to seek damaging alternatives ,causing numerous emergency room visits  
2 and follow up outpatient care.

3 75. As a direct and proximate result of this negligence the plaintiff suffered  
4 damages and will continue to incur substantial damages in an amount to be established at trial.  
5

### 6 **RELIEF REQUESTED**

7 Wherefore, Plaintiff respectfully requests the court;

8 76. Enter a declaratory judgment for violating the Washington State medical  
9 marijuana law RCW 69.51A.in an amount to be established at trial, including:

- 10 a. Economic damages to plaintiff against the Defendants jointly and severally;
- 11 b. Non-economic damages to plaintiff against the Defendants jointly and
- 12 severally;
- 13 c. Costs of this action to the plaintiff under RCW 4.84 other applicable state and
- 14 federal statutes and rules;
- 15 d. Such other relief as this court may deem equitable.

16 77. That this Court issue a temporary, preliminary and a permanent injunction  
17 enjoining State, County, and City Defendants, their subordinates, and their officers, successors,  
18 assigns and all persons in active concert or participation with them, by;

- 19 a. Declaring that the Defendants have signed HIDTA contracts to undermine
- 20 RCW 69.51A.040, the Affirmative Defense in the Washington State Medical
- 21 Marijuana Act.
- 22 b. Declaring that the Defendants have seized the plaintiff's medical marijuana for
- 23 the DEA in violation of Washington State medical marijuana law RCW
- 24 69.51A.050.
- 25 c. Issue an order enjoining the Defendants give a written 30 day notice to
- 26 terminate all HIDTA grants, Regional Task Force agreements and Multi
- jurisdictional drug task force interlocal agreements, until these grants and
- contracts can be properly written to remove the conflict with the Washington
- State medical marijuana law RCW 69.51A.
- d. Declare the Defendants are liable for the conditions outlined in RCW

42.30.120 (1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(2) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action.

78. A declaratory ruling that the Defendants have committed the other violations contained Herein.

79. Award appropriate Special and General compensatory damages for the Defendant's failure to abide by the Washington State medical marijuana Act RCW 69.51A, and the other acts contained herein.

80. Plaintiff demand for Jury of twelve to hear all matters at trial.

81. Remand this case back to the state courts to settle matters of state law.

DATED this 3rd day of March, 2010.

By: s/John Worthington

JOHN WORTHINGTON Pro Se  
4500 SE 2nd PL.  
RENTON WA.98059

### **Certificate of Service**

I certify that on the date and time indicated below, I caused to be served electronically, a copy of the documents and pleadings listed below, upon the attorneys of record for the defendants herein listed and indicated below.

- 1 1. AMENDED COMPLAINT
- 2 2. CERTIFICATE OF SERVICE
- 3 3. THE DECALARTION OF JOHN WORTHINGTON
- 4 4. EXHIBIT 1

5 Attorneys for defendants:

6 ROBERT CHRISTIE  
7 2100 WESTLAKE AVENUE N., SUITE 206  
8 SEATTLE, WA.98109  
9 206-957-9669  
10 [bob@christielawgroup.com](mailto:bob@christielawgroup.com)

11 STEWART ESTES  
12 800 FIFTH AVENUE, SUITE 4141  
13 SEATTLE ,WA. 98104-3175  
14 206-623-8861  
15 [sestes@kbmlawyers.com](mailto:sestes@kbmlawyers.com)

16 CHERYL CARLSON  
17 333 SOUTH MERIDIAN  
18 PUYALLUP .WA.98371  
19 253-841-5598

20 JEAN HOMAN  
21 747 MARKET STREET, ROOM 1120  
22 TACOMA, WA.98402-3767  
23 253-591-5885  
24 [jhoman@ci.tacoma.wa.us](mailto:jhoman@ci.tacoma.wa.us)

DANIEL HAMILTON  
955 TACOMA AVENUE SOUTH, SUITE 301  
TACOMA, WA. 98402-2160  
253-798-6732  
[dhamilt@co.pierce.wa.us](mailto:dhamilt@co.pierce.wa.us)

MARK KOONTZ  
345 6<sup>TH</sup> STREET, SUITE 600  
BREMERTON, WA. 98337  
360-473-5161  
[mark.koontz@ci.bremerton.wa.us](mailto:mark.koontz@ci.bremerton.wa.us)

ALLISON STANHOPE  
800 FIFTH AVENUE, SUITE 2000  
SEATTLE WA. 98104-3188  
206-464-7352  
[allisonc@atg.wa.gov](mailto:allisonc@atg.wa.gov)

25 I declare under penalty of perjury under the laws of the United States that the foregoing is  
26 true and correct.

DATED at Renton Washington this 3<sup>rd</sup> day of March 2010.

By: s/ JOHN WORTHINGTON

JOHN WORTHINGTON pro se  
4500 SE 2ND PL.  
RENTON WA.98059